

USSN 09/981,431

Response

Remarks

This paper is in response to the Office Action mailed November 2, 2004. The Examiner indicated as follows (emphasis added):

The reply filed on 08/04/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The status of the claims is not properly identified....

The "reply filed on 08/04/2004" was a **Request for Continued Examination (RCE)**, which requested entry of the previously submitted response, which was submitted July 16, 2004. (There was no response that was filed with the RCE.)

The Examiner did not particularly point out the error in the "reply filed on 08/04/2004), and Applicant is unclear as to what is required by the Examiner.

In response to the Office Action mailed April 20, 2004, Applicant filed a Response on July 16, 2004. The Advisory Action mailed July 29, 2004 indicated at paragraph 2 that the Response filed July 16th was not entered. The RCE requested entry of the Response filed July 16, 2004.

The Response filed July 16, 2004 listed all of the claims and identified the status of each of the claims as understood by Applicant. Therefore, it is unclear as to the error that was made in either the RCE filed on August 4, 2004 or the Response filed July 16, 2004.

However, Applicant does note that the Response filed July 16, 2004, did not specify which claims had been "withdrawn" by the Examiner. Therefore, Applicant hereby resubmits the claims as filed on July 16, 2004 — with an indication of the "withdrawn" claims, and again requests:

- 1) Entry of the Response filed July 16, 2004 in its entirety — as previously requested in the RCE; and
- 2) Entry of the claims submitted herein — which amendments are the same as those filed in the Response of July 16, 2004, with the exception of the "withdrawn" indication as noted below at "(c)." Claims 1-79 and 139-148 are pending, as follows:
 - a) Claims 1, 18, 28, 31, 42, 50, 51, 52, 54, 55, 60, 62, 63, 65, 139, and 140 have been amended.
 - b) Claims 141-148 have been added, as supported in the original and currently examined claims; and

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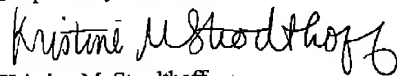
- c) Claims 8, 11-14, 21, 25, 29, 38-41, 47, 48, 67-69, 74, 75, 78, and 79 have been withdrawn from consideration by the Examiner, as being drawn to a non-elected species. It is understood that upon allowance of a generic claim, that Applicant will be entitled to consideration of claims of additional species that are written in independent form or otherwise include all the limitations of an allowed generic claim.

It is believed that Applicant has fully responded to the prior Office Action. The Examiner is urged to contact the undersigned Attorney if there any further issues that should be addressed.

Extension of Term. The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. However, if an extension of time is required, please consider this a petition therefor, and charge the required fee to Account No. 23-2053.

Applicant believes that the claims are in condition for allowance, and notification to that effect is respectfully requested. The Examiner is urged to telephone the undersigned Attorney if any questions should arise or further discussion would expedite the examination of the application.

Respectfully submitted,



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Dated: December 2, 2004

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